



2015 CHAPTER 2

PART 2

OTHER EXPLOITATION OFFENCES

Paying for sexual services of a person

Paying for sexual services of a person

15.—(1) The Sexual Offences (Northern Ireland) Order 2008 is amended as follows.

(2) In the heading to Part 5, after “PROSTITUTION” insert “AND PAYING FOR SEXUAL SERVICES OF A PERSON”.

(3) In Article 58 (interpretation of this Part) at the end of paragraph (3) insert “other than in Article 64A”.

(4) Article 59 (loitering or soliciting for purposes of prostitution) is repealed.

(5) For Article 64A (paying for sexual services of a prostitute subjected to force etc.) substitute—

“Paying for sexual services of a person

64A.—(1) A person (A) commits an offence if A obtains sexual services from a person (B) in exchange for payment—

- (a) if the payment is made or promised by A; or
- (b) if the payment is made or promised by a third party and A knows or believes that the payment is made or promised by a third party.

(2) A person guilty of an offence under this Article is liable—

- (a) on summary conviction to imprisonment for a term not exceeding 6 months or a fine not exceeding the statutory maximum, or both;
- (b) on conviction on indictment to imprisonment for a term not exceeding one year or a fine, or both.

(3) In paragraph (1), “payment” means any financial advantage to B, or any person other than B, including the discharge of an obligation to pay or the provision of goods or services (other than sexual services) gratuitously or at a discount.

(4) No offence is committed under this Article unless the sexual services that are provided or are to be provided by B to A involve—

- (a) B being physically in A’s presence,
- (b) B touching A or A touching B, and
- (c) the touching being sexual; or
- (d) B touching B in a sexual manner for the sexual gratification of A, B being physically in A’s presence.

(5) B does not commit an offence by doing anything which (apart from this paragraph) would amount to—

- (a) aiding, abetting, counselling or procuring the commission of an offence under this Article by A;
- (b) conspiring with A to commit an offence under this Article; or
- (c) an offence under Part 2 of the Serious Crime Act 2007 (encouraging or assisting offences) in relation to the commission of an offence under this Article by A.”.

(6) The Department must before the coming into operation of subsection (5) raise public awareness of the change in the law to be effected by that subsection.

(7) The Department must, at the end of the period of 3 years beginning with the coming into operation of subsection (5), review the operation of Article 64A of the Sexual Offences (Northern Ireland) Order 2008 and lay before the Assembly a report on that review; that report must in particular include—

- (a) information as to the number of arrests and convictions during that period in respect of offences under Article 64A;
- (b) the Department’s assessment of the impact of Article 64A on the safety and well-being of persons providing for payment sexual services of the kind to which that Article applies;
- (c) information as to the number of arrests and convictions in the period covered by the report in respect of—
 - (i) offences under section 2 committed with a view to exploitation that consists of or includes behaviour within section 3(3) (sexual exploitation);

Status: This is the original version (as it was originally enacted).

- (ii) offences under section 4 committed with the intention of committing an offence mentioned in sub-paragraph (i); and
- (d) the Department's assessment of the extent to which Article 64A has operated to reduce human trafficking for the purposes of sexual exploitation.

Offence of forced marriage

Offence of forced marriage

- 16.—(1) A person commits an offence if he or she—
- (a) uses violence, threats or any other form of coercion for the purpose of causing another person to enter into a marriage, and
 - (b) believes, or ought reasonably to believe, that the conduct may cause the other person to enter into the marriage without free and full consent.
- (2) It is irrelevant whether the conduct mentioned in paragraph (a) of subsection (1) is directed at the victim of the offence under that subsection or another person.
- (3) In relation to a victim who is incapable of consenting by reason of mental disorder, the offence under subsection (1) is capable of being committed by any conduct carried out for the purpose of causing the victim to enter into a marriage (whether or not the conduct amounts to violence, threats or any other form of coercion).
- (4) In this section—
- “marriage” means any religious or civil ceremony of marriage (whether or not legally binding);
 - “mental disorder” has the meaning given by the Mental Health (Northern Ireland) Order 1986.
- (5) A person commits an offence if he or she—
- (a) practises any form of deception with the intention of causing another person to leave the United Kingdom, and
 - (b) intends the other person to be subjected to conduct outside the United Kingdom that is an offence under subsection (1) or would be an offence under that subsection if the victim were in Northern Ireland.
- (6) A person commits an offence under subsection (1) or (5) only if, at the time of the conduct or deception—
- (a) the person or the victim or both of them are in Northern Ireland,
 - (b) neither the person nor the victim is in Northern Ireland but at least one of them is habitually resident in Northern Ireland, or

- (c) neither the person nor the victim is in the United Kingdom but at least one of them is a UK national.
- (7) A person guilty of an offence under this section is liable—
- (a) on summary conviction, to imprisonment for a term not exceeding 6 months or to a fine not exceeding the statutory maximum, or both;
 - (b) on conviction on indictment, to imprisonment for a term not exceeding 7 years.